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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,137	02/27/2004	Daryl B. Olander	BEAS-01404US0	9240
23910 7590 07/20/2007 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER BELOUSOV, ANDREY	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 07/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/789,137

Applicant(s)

OLANDER ET AL.

Examiner

Andrew Belousov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/01/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This action is responsive to amendment filed on May 1, 2007. Claim 67 is canceled.

Claims 1- 66 are pending and have been considered below.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-18, 20-35, 37-54, and 56-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Hearst (U.S. Patent No. 6,223,145).

**Claim 1, 50, 67:** Hearst discloses a method, machine readable medium and computer data signal embodied in a transmission medium for rendering a graphical user interface (GUI), comprising:

- a. providing for the representation of the GUI as a set of controls wherein the controls are organized in a logical hierarchy (Fig. 13, 60);
- b. traversing the representation (col 10, lines 16),
- c. wherein the traversing comprises: associating a theme with a first control in the set of controls (col 10, lines 28-31);
- d. rendering the first control according to the theme (Fig. 1: 66 (i.e. conical));

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- e. rendering any descendents of the first control according to the theme (Fig. 1: 68, 70);
- f. wherein any descendents of the first control can override the theme (col 2, line 52 - col 3, line 10); and
- g. wherein one of the set of controls can communicate with another of the set of controls (col 9, lines 34-63).

**Claim 18:** Hearst discloses a method for rendering a graphical user interface (GUI), comprising:

- a. accepting a request (col 10, lines 25-28);
- b. mapping the request to a set of controls that represent the GUI (Fig. 12: 206),  
and
- c. wherein the controls are organized in a logical hierarchy (Fig. 13, 60);
- d. traversing the representation (col 10, lines 16), wherein the traversing comprises:
- e. associating a theme with a first control in the set of controls (Fig. 1: 68, 70);
- f. rendering the first control according to the theme (Fig. 13, 60);
- g. rendering any descendents of the first control according to the theme (Fig. 1: 68, 70); and
- h. wherein any descendents of the first control can override the theme (col 2, line 52 - col 3, line 10.)

**Claim 34:** Hearst discloses a method for rendering a graphical user interface (GUI), comprising:

- a. providing for the representation of the GUI as a plurality of controls wherein the controls are organized in a logical hierarchy (Fig. 13, 60);
- b. traversing the representation (col 10, lines 16), wherein the traversing comprises:
- c. associating a first theme with a first control in the plurality of controls (col 10, lines 28-31: theme: conical, is associated with the conic structure (1st control));
- d. rendering the first control according to the first theme (Fig. 1: 66 (i.e. conical));
- e. associating a second theme with a second control in the plurality of controls (Fig. 1, 96: 2nd theme: nodes);
- f. rendering the second control according to the second theme (Fig. 1, 96); and
- g. wherein the second control is a descendant of the first control (Fig. 1: 60, the nodes are visually descendant off from the conic structures).

**Claim 2, 22, 51:** Hearst discloses a method and machine readable medium of claims 1, 18 and 50 wherein: one of the set of controls can respond to an event raised by another of the set of controls (col 9, lines 34-63).

**Claim 3, 23, 40, 52:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: a control can have an interchangeable persistence mechanism (Fig. 10, 43).

**Claim 4, 24, 41, 53:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: a control can have an interchangeable rendering mechanism (Fig. 10, 32).

**Claim 5, 35, 54:** Hearst discloses a method and machine readable medium of claims 1, 34 and 50, further comprising: accepting a request (col 10, lines 25-28).

**Claim 7, 20, 37, 55:** Hearst discloses a method and machine readable medium of claims 5, 18, 35 and 54 wherein the request originates from a Web browser (Fig. 13: 216 ("Search Book"); col 9, lines 40-43).

**Claim 8, 21, 38, 57:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50, further comprising: generating a response (Fig. 12: 206).

**Claim 39:** Hearst discloses the method of claim 34 wherein: the first control can respond to an event raised by the second control (col 9, lines 34-63).

**Claim 9, 25, 42, 58:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: an control can represent one of: button, text field, menu, table, window, window control, title bar, pop-up window, check-box button, radio button, window frame, desktop, shell, head, body, header, footer, book, page, layout, placeholder, portlet and toggle button (col 10, line 25).

**Claim 10, 26, 59:** Hearst discloses a method and machine readable medium of claims 1, 18 and 50 wherein: associating the theme with the first control can occur when the first control is rendered (col 10, lines 28-31).

**Claim 11, 27, 43, 60:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: the first control inherits the theme from a parent control (Fig. 1, parent: 62, 1<sup>st</sup> control: 66).

**Claim 12, 28, 44, 61:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: the theme specifies the appearance and/or functioning of an control in the GUI (Fig. 13: 216; col 10, lines 48-49).

**Claim 13, 29, 62:** Hearst discloses a method and machine readable medium of claims 1, 18 and 50 wherein: rendering the first control according to the theme can be accomplished in parallel with rendering of other controls (Fig. 13, illustrates sets of controls displayed simultaneously (i.e. in parallel)).

**Claim 45:** Hearst discloses the method of claim 34 wherein: the rendering the first control can be accomplished in parallel with the rendering of the second control (Fig. 13, illustrates sets of controls displayed simultaneously (i.e. in parallel)).

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**Claim 14, 30, 46, 63:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: the theme can be specified in whole or in part by a properties file (col 9, lines 19). The examiner notes that it is inherent that instructions would be in a form of a 'file' on the disk drive, floppy, etc.

**Claim 15; 31, 47, 64:** Hearst discloses a method and machine readable medium of claims 14, 30, 46 and 63 wherein: the properties file can include at least one of: 1) cascading style sheet; 2) Java Server Page; 3) Extensible Markup Language; 4) text; 5) Hypertext Markup Language; 6) Extensible Hypertext Markup Language; 7) JavaScript; and 8) Flash MX (col 10, lines 12-15).

**Claim 16, 32, 48, 65:** Hearst discloses a method and machine readable medium of claims 14, 30, 46 and 63 wherein: the properties file can specify at least one image (col 10, lines 12-15). The examiner notes that computer languages allow for specification of images in one shape or form, therefore it's inherent that the properties file can specify an image.

**Claim 17, 33, 49, 66:** Hearst discloses a method and machine readable medium of claims 1, 18, 34 and 50 wherein: the GUI is part of a portal on the World Wide Web (fig. 13: 216 ("Search Book")); col 9, lines 40-43).



***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 19, 36, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hearst.

**Claim 6, 19, 36, and 55:** Hearst discloses a method and machine readable medium of claims 5, 18, 35 and 54. While Hearst does not explicitly disclose that the request is sent in a hypertext transfer protocol (HTTP) request, it would have been obvious to one having ordinary skill in the art at the time the invention was made to do so. One would have been motivated to use HTTP as it was a widely used standard on World Wide Web for request transfers.

***Response to Arguments***

5. Applicant's arguments filed May 1, 2007 have been fully considered but they are not persuasive.

6. Applicant's argument that "the cones of a 'cat-a-cone' of Hearst are not controls as claimed" in claims 1 and 50 is not persuasive. Computer Dictionary (Microsoft Press,

Third Edition, Copyright © 1997, by Microsoft Press) defines a “control” as “2. In a graphical user interface, an object on the screen that can be manipulated by the user to perform an action.” Hearst teaches in a graphical user interface (Fig. 13), an object (e.g. cone) on the screen that can be manipulated (e.g. rotated) by the user to perform an action (e.g. placed into primary viewing position: 2:26-40.) Therefore, the examiner respectfully disagrees that the cones of a “cat-a-cone” of Hearst are not controls.

Additionally, claims 1 and 50 recite, “associating a theme” and “associate theme [sic]”, respectively. In response to applicant's argument that Hearst fails to show certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., more than one theme) is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. Applicant's argument with respect to claim 1 and 50 that “one of the set of control communicating with another of the set of controls” is not shown, is not persuasive. Hearst shows the sets of controls (Fig. 1: 68, 66, 62) being moved (2: 58-3:5) in response to the selection from a set of nodes associated with cone 70 (Fig. 1: 70,) of node 82 (Fig. 1: 82) to the primary viewing position. The alignment of associated cones (Fig. 1: 68, 66, 62) implies a communication between the control node 82 and another of the set of controls (e.g. cones, 68, 66, 62.) Therefore, the examiner respectfully disagrees that Hearst does not show “one of the set of control communicating with another of the set of controls.”

8. Computer Dictionary (Microsoft Press, Third Edition, Copyright © 1997, by Microsoft Press) defines "override" as "to initiate another response." Webster's Dictionary (New Riverside University Dictionary Copyright © 1994) defines a "theme" as a "point of view." Hearst teaches cones that can initiate another response to alter the point of view of the "cat-a-cone" (2:26-40.) Therefore, the examiner respectfully disagrees that Hearst does not show or make obvious a method where descendants of a control can override a theme as claimed.

9. Applicant's argument with respect to claim 18 that "descendants of a control can override a theme," is not shown, is not persuasive. Computer Dictionary (Microsoft Press, Third Edition, Copyright © 1997, by Microsoft Press) defines "override" as "to initiate another response." Webster's Dictionary (New Riverside University Dictionary Copyright © 1994) defines a "theme" as a "point of view." Hearst teaches cones that can initiate another response to alter the point of view of the "cat-a-cone" (2:26-40.) Therefore, the examiner respectfully disagrees that Hearst does not show or make obvious a method where descendants of a control can override a theme as claimed.

10. Applicant's argument with respect to claim 34, wherein "controls have multiple themes" is not shown, is not persuasive. Hearst discloses conic shapes (i.e. objects that can be manipulated by the user) as depicted by ellipses connected to straight lines (Fig. 1: 62, 72) represent a conic theme. Additionally, Hearst discloses a nodal arranged

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theme, as depicted by rectangular nodes (Fig. 1: 96, 94, etc.) connected to the conic-like structured theme, to form together, a "cat-a-cone" structure (Fig. 1: 60) comprising two themes: conic and nodal. Therefore, the examiner respectfully disagrees that Hearst does not show controls having multiple themes.

Alternatively, claim 34 recites a first theme, and a second theme, each individually corresponding to only one control: first control and a second control, respectively. In response to applicant's argument that Hearst fails to show certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., controls having multiple themes) is not recited in the rejected claims; each individual control is claimed to be associated solely with one theme. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

11. Applicant's amendments, filed on May 1, 2007, with respect to claims 22-24, 34 and 39-41 have been fully considered. The claim objections in paragraph 1 of outstanding Office Action have been withdrawn.

12. Rejection of Claim 67 based on 35 U.S.C. 101 in paragraph 2-3 of outstanding Office Action has been withdrawn in response to cancellation of claim 67.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB  
July 5, 2007

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